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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9 DEBORAH HALL,

10 Plaintiff,

11 vs.

12 STATE FARM MUTUAL AUTOMOBILE
13 INSURANCE COMPANY and DOES I
14 through X inclusive, and ROES I through X
inclusive,

15 Defendants.

CASE NO.: 2:10-cv-00489-JCM-PAL

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**SIGNED STATEMENT CONCERNING
REMOVAL**

Defendant, State Farm Mutual Automobile Insurance Company ("State Farm") by and through its attorney, Hall Jaffe & Clayton, LLP, hereby submits this Signed Statement Concerning Removal pursuant to this Court's Order dated April 8, 2010.

1. The date(s) on which you were served with a copy of the complaint in the removed action: Service of the First Amended Complaint upon State Farm was effected by service upon the Commissioner of Insurance of the State of Nevada on March 16, 2010.

2. The date(s) on which you were served with a copy of the summons: Same.

3. In removals based on diversity, the names of any served defendants who are citizens of Nevada, the citizenship of other parties and a summary of the defendant's evidence of the amount in controversy: Defendant State Farm is an Illinois corporation with its principal place of business in that state, and is authorized to transact insurance under the laws of the State of Nevada. According to the complaint, Plaintiff, Deborah Hall (hereinafter "Plaintiff"), is a citizen and resident of

1 Clark County, Nevada.

2 The information contained in the claims file, in addition to the allegations in the amended
3 complaint at the time of removal, which are incorporated herein in total by this reference, establish that
4 Plaintiff has placed an amount in controversy well in excess of the jurisdictional minimum. In summary,
5 this case stems from an automobile accident involving Plaintiff and an underinsured driver. After settling
6 with the underinsured motorist for \$25,000, Plaintiff demanded the \$100,000 UIM policy limit from State
7 Farm. The demand was based upon the fact that Plaintiff had allegedly incurred at least \$34,000 in past
8 medical specials allegedly as a result of the subject accident and that Plaintiff would allegedly be
9 required to undergo two separate surgical procedures as a result of the subject accident, i.e., a lumbar
10 spine reconstruction surgery at L5-S1, and a knee reconstruction surgery, the combined costs of which
11 would exceed an additional \$150,000 in medical expenses. According to the amended complaint, State
12 Farm allegedly failed and refused to tender or pay any amount under the UIM policy. Thus, under the
13 UIM contract alone there is at least \$100,000 in controversy. Furthermore, the amended complaint
14 separately alleges that State Farm committed "bad faith" and breached the "implied covenant of good
15 faith and fair dealing" which caused Plaintiff to sustain additional damages "in excess of \$10,000;" that
16 State Farm allegedly breached Nevada's Unfair Claims Practices Act causing additional damages
17 "including attorneys fees;" that State Farm allegedly engaged in negligence, causing Plaintiff to incur
18 damages "in excess of \$10,000;" and that State Farm allegedly engaged in conduct to warrant additional
19 punitive damages "in excess of \$10,000." Thus, these separate claims and types of damages sought
20 clearly establish an amount in controversy of at least \$130,000, thereby establishing that removal to
21 federal court is proper.

22 4. If your notice of removal was filed more than thirty (30) days after you first
23 received a copy of the summons and complaint, the reason removal has taken place at this time
24 and the date you first received a paper identifying the basis for removal. Not applicable.

25 5. In actions removed on the basis of the court's jurisdiction in which the action
26 in state court was commenced more than one year before the date of removal, the reasons this
27 action should not be summarily remanded to state court. Not applicable.

DATED this 24 day of April, 2010.

By

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Attorney for Defendant

CERTIFICATE OF SERVICE

Pursuant to Rule 5(b) of the Federal Rules of Civil Procedure, I hereby certify under penalty of perjury that I am an employee of HALL JAFFE & CLAYTON, LLP, and that on the 26th day of April, 2010, the foregoing **SIGNED STATEMENT CONCERNING REMOVAL** was served upon the parties via the Court's e-filing and service program, and by placing an original or true copy thereof in a sealed envelope, and depositing it in the U.S. Mail, postage prepaid, at Las Vegas, Nevada, addressed as follows:

Richard Schonfeld, Esq.
CHESNOFF & SCHONFELD
520 S. Fourth Street
Las Vegas, NV 89101
Fax: (702) 598-1425
Attorney for Plaintiff


An Employee of HALL JAFFE & CLAYTON, LLP